Forwarded

App. F. IX-4

1934-35

Rev File No. 317-34

Previous References

(Rev)

Serial Nos. 1-4

Rev 174-14-B

Rev 32-17-3 to 7

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 10

Part B for January 1936

SUBJECT.

Appeal of Mr. P. Subramanyaraja vs. - vritti lands belonging to the temple at Bilagali and Thayur, Nanjangud Taluk

No 992

9 & 21-1-36

To

WD 03607—GPB—22,500—2-8-35

Mr P. Somashekhara Rao
B A B L
and Mr K. J. Bhagavadayengar
Advocates
Bangalore

Dismiss the appeal

P Bhadraiah
2/II/36

General and Revenue Secretariat

Mez File No.

Mez appl No 1 of 34-35 re: restitution of the proportionate share of Mathyulla lands in Jodi Iggali village to Sri Venugopala Swami [illegible]

of 1934-35

App. E. III—2

Serial No.

Petition of 2.8.34 filed by M. A. Somasekhara Rao Advocate Bangalore on behalf of M. P. Subramanyaraj Esq Huzur Kandaya Palace officer Mysore. in the matter of the restitution of the proportionate share of Mathyulla lands in Jodi Iggali village to the Sri Venugopala Swami at Bettigeri, Varada-raja Swami and Timmarayana Swami at Ikkeri - Nanjangud Taluk.

The appeal &c is submitted & the order of the M.C. appealed against is [illegible] : the appeal [illegible]

[illegible]

3/8/34

3) The records may be called for.

7/8/34

4) [illegible] 8/8

7/8

OFFICE OF THE SECOND MEMBER OF COUNCIL
9 AUG. 1934
No. 1005

8/1570

8/2078

Note—Contn. Sheet.

WD 70—GBPM—60,000—13-8-3.

Send to M.C with No 211 dt 2-8-34.

Appeal of Hon. M. P. Subramanya Raja
re: Vritti lands belonging to temples at Koil
and Thayur Nanjangud Tk.

Muzrai File No. of 1933-34 General and R Secretariat

Letter no 10. C. 17/34-35 dt 17-10-34
from the Muzrai Commissioner submitting
records connected with the appeal Case.

2 The temples of Sri Varadaraja Swami
and Trineshana Swami at Thayur-Nanjangud
Tk and Venugopala Swami at Belagoli
are Muzrai institutions endowed with
Inam lands Devadaya Vritti as
detailed in Sl 50 of the Inam Regr. pp
18-19. All these Vrittis are in Jodi
Jagale Village Nanjangud Tk.

Sri Varadaraja Thayur is also of a cash grant Cop 47 of the case

Sri Belagoli Venugopala Swami is under cash grant of Rs

× B

3 The contention of the appellant
is that the above institutions should
have their proportionate share of the
Madyama land in the Village, which
originally was the bed and bund of a
tank in the Village which fell into
disuse, when the Hulhalli Channel
was extended to the Village. Usually
the Madhyama land is common to all
the Vrittidars of the Village.

Para 1 of M.C's order dt 20.4.34 at A.

4) The further facts of the case are
set forth in the Mysore Dy. Com'rs report
of 26/11/32 & 11.2.33 & the records
seem that 6½ Vrittis endowed
to Sri Venugopala Swami Belagoli have
been treated as Devadaya Inam
Tree untoth. (Vide Survey Supdt's letter of 23.10.33)
When the question of restoring 6½ Vrittis

× R.
✓ N.

M
↓

Re: The Claim of Venugopala Swamy etc
temples in the Madhyama land of 7½
Village Nanjanpet

General and Revenue Secretariat | Mrg File No. of 193 | App. F. III—2

Serial No.

endowed to Sri Venugopalaswami temple at Bellaguli Cause as before & one, across as in G.O. No 2453/ Mrg 174-14-6 & 29.3.17 were passed. In para 5 of his order & 20.4.34 the M.C. has held that he is not sufficiently convinced as to make a move in the matter of having the said order revised. It is clear from the Rent Court Regr that these 8½ Veelus of Venugopalaswami have been noted as Devadaya; the total part of the Inam is also indicated as 23 persons holding 21½ Veelus, out of a total of 30 Veelus. In these circumstances it is respectfully submitted that the three temples are entitled to have their respective Share in the "madhyama land" of the Village. If appeal, the file may be sent for favour of opinion on the points raised in the P.M.D. in the first instance

Submitted for orders

Sd/ 20/11

In this case the views of the M.C. & the D.C. are different. While the D.C. thinks that the claim of the appellant is a just & valid one (Vide Page R) and gives the public documents opinion in support of his recommen-

Note—Contn. Sheet.

3256/34

452

File No. of 193 . General an Secret

Mr Mr. Jude Memorial. Perhaps the Law Secretary may be Consulted as to how far the Public Prosecutor's view as stated in the Dist Collr's letter upto above is acceptable. After receipt of the opinion of the Law Dept the case may be posted for hearing on Thursday 13th inst.

7/12/34

SECRETARIAT 8 DEC. 1934

Ch: Secy)

A

Law Secretary)

10/12

151 Law

This is an appeal against the order of the Revenue Commr refusing to restore the proportionate share of ~~xxx~~ land in Jodi Iggalur village to Sree Venugopalaswamy and two other temples at Thayur and Bilagula villages. Facts of the case are detailed in the Rgs Dist's letter dt 26.11.32 the petr Contends that ~~xxx~~ Vrittis should be treated as devadaya and proportionate share restored to the temple. It is also urged that even those Vrittis are not devadaya they were inalienable being unenfranchised and that Consequently Govt have power to take action to resume proportionate share of the land belonging to the Temples Govt have refused to accept this position in G.O. dated 29.3.17 and have decided that alienation rules of 1877 are not applicable to this Case Mr. A.R. Nagarajan

Serial No.

has appeared for the respondent in Mun. Ap 7 | 1915 16
The Pr. Mgs. in his note maintains that the
notification of 1877 is applicable to this case and
that it is just and proper to resume the proportionate
share as prayed for.

15 The Supt. Rev. Survey in his letter dt 23.6.36
however states that the Vrittis Could undoubtedly
be classed as devadeya for the reasons given by him.
If his views are accepted, the G.O. of 29th March 1917
has to be modified.

15/12 TSD.

16 The only question is whether under
Regulation VII of 1927 or under the Alienation
Rule of 1877, the alienation of the lands
so far as the right of the temple vrittis
are concerned can be set aside & the
lands resumed by Govt in its executive
capacity. It is clear that this entirely
depends on the question whether the
the right of the temple is one derived
from an inam grant by Govt or
from other sources.

17 It is admitted in this case that
all the 30 vrittis were originally for personal
benefit & the vrittis that now belong to the
temples were bought by the ancestors of the
appellant & then given over to the temples.
The vrittis are not therefore in fact an inam
granted by Govt. The Pr. enquire however

NOTE—Contn. Sheet.

Says that these vrithes of the temple being unenfranchised during the Inam Settlement are inalienable and that therefore Govt can take executive action to resume lands belonging to such vrithes. The point that they are unenfranchised is inferred from certain extracts of the Quit rent register of 1907 but the Inam register shows that all the vrithes in the entire village ~~was~~ were Confirmed as personal inam. It is think, desirable to obtain the inam Settlement Register and make sure of this point regarding enfranchisement. an extract of A

2. There is another point of some doubt which requires to be cleared up. The vrithes belonging to the temple now ~~originally~~ are said to have been originally acquired by purchase. This seems to prove its alienability and it is not clear how after purchase by the temple they can become inalienable unless enfranchised during the Inam Settlement.

3. I would suggest the file being referred u.o. to the ~~Survey~~ Director of Land Surveys etc for putting up the extract required at A above & for his views generally on the points that arise in this case, before further exam" in the Law Dept is made. B

Asst Sec
Mar — W.C

23/1/35

Serial No.

20 Action as suggested at B in the Law Addl Secy's note above will be taken, if approved. 24/1/35

CHIEF SECY. 4 JAN. 1935

Chief Secy)

21) I agree

Rd 24/1/35

22 Forwarded with compliments to The Director of Land Records, Survey and Settlement for favour of compliance as desired in para 19 supra.

GENL & REV SECRETARIAT No. 210 no 35-34 25 JAN 1935 MUZRAI B

for Chief Secretary to Govt

Govt 25/1

OFFICE OF THE DIRECTOR OF LAND RECORDS & SURVEY Gl. No. ..... Date .. BANGALORE

Govt. Order issued on extract from Proceedings 26/1/35 26/1/35

WD 01955—GPB—22 500—12 6 34

Returned with compliments.

2) The Inam was personal at the time of the grant.

4) At the time of the Inam Enquiry and Settlement the village was treated as Personal and Devadaya Inam. This decision was obviously due to the fact that -- 8½ vritties were in the enjoyment of the temples for over 50 years. There are instances in which grants other than Devadaya were confirmed as Devadaya and subjected to quit-rent under rules III and V of the Inam Rules.

5) This decision of the Inam Superintendent was not appealed against and is therefore now final.

6) It is stated in the quit-rent register that only the Personal Inam is enfranchised. The temple (i.e., the Devadaya) lands could not therefore be alienated. Any alienations of temple lands made by persons in possession are unauthorised and ultra vires. The Government can obviously declare such alienations as illegal and oust the alienees in possession.

7) The uncultivatedand unculturable lands and tank beds held in common by the Vrittidars have to be treated as "madhyaka" lands. The bed of the tank the water of which irrigated the village lands was common property of the Vrittidars so long as it was used for irrigation purposes. But when it ceased to irrigate the lands on account of the construction of the Hulhalli channel it should have been phoded and given out for cultivation with the consent of all the Vrittidars. It does not appear from the records that the consent of the holders of the temple vritties was asked for much less taken for the disposal of the tank

D.52

Mem Appl No 10 of 34-35 re: restoration of one proportionate share of Madhyaka lands in Jodi Agrahara Village to Sri Channakesava Swami and other temples - Vide para, Memorandum

General and Revenue Secretariat — File No. — of 193 — App. F. III-21

Serial No.

tank bed for cultivation. It is a matter for the consideration of Government whether the Muzrai Commissioner may not be asked to take action to resume these lands and hand them over to the - temples concerned.

2) Long continued enjoyment by the alienees does not operate as a legal bar to their dispossession particularly as the consent of the Devadaya Vritti-dars was not obtained. It is very doubtful whether the Managers of the temples could give a valid consent without the previous approval of the Government.

2) The points to be remembered in this connection are that the Devadaya Vritties are unenfranchised and that the levy of a quit-rent does not always confer the right of alienation, as quit-rent is compulsary in respect of Inams for which - as in this case - no sannads are produced at the time of the Inam Settlement.

GB Hebbalkar
8-3-1935
DIRECTOR OF LAND RECORDS.

8/11/3/35

Asst Secy Law Dept (for Lib Commr)

88
11/3/35

30) The director of Land records says that during the Inam settlement, the village was treated as personal and devadaya Inam and that this decision has now become final as it is not appealed against.

Law
Dept
11/3/35

Note—Contn. Sheet

WD 02328—GPB—10,000—22-4-30

Serial No.

He therefore suggests that the M C may be asked to take action to resume the lands and hand them over to the Temples Concerned.

31) The Sanction in para 18 supra is hereby cancelled.

32) Submit for orders vide ref^ce to 16th supra

151
Law
Dis 857/34-35 -
dt 16.3.35

TD 13/3

U.O. No. 464 Rev dt 16/3/35

33) Forwarded with Compliments to the Govt Advocate for favour of his views in the matter

for Secretary to Govt
15/3/35

No. Dis 118/34-35
dt 21.3.35

Returned with compliments.

34) This case has a long history. Practically the points now raised were considered so long ago as 1917 by the Order of Government in Appeal No.7/15-16. I appeared for the Respondent Mr. Krishna Rao who died during the conduct of the proceedings befpre Government, and thereafter for his son mr. T.K.Subba Rao, whose alienation is now in question. The appeal was dismissed by Government, and several Review Applications filed were also rejected.

35) As the points now raised are practically - identical with the points involved in the previous appeal, I feel it delicate to record my opinion in the matter.

Government Advocate.

NOTE—Contn. Sheet.

WD 01955—GPE—22,500—12 6 34

CSN/20.3.35

File No. of 193 .

General and Secreta

I wish to discuss this question with the PPr mysore. Please write to him demi-ofl to see me when next he goes over here & also enquire when he is likely to go over to this place —
10/4/35

Dft D.O. Put up accordingly
VSD 11/4

11 APR 1935 GENL & REV. SECTT

Sus A 17/4/35

3[1]) Issue as revised
VSD 11/4

Issued no. P.5727 d 16.4.35

I discussed this case with Mr. H. Ramaswami, PPr, mysore on Sunday the 28th april - He agreed that after the passing of the Religious & Charitable endowments Regulation, 1927, action under the Chief Comr's notifn of 17th Nov 1877 was possible only in respect of alienations made prior to 31st day of January 1853 and that in respect of alienations made thereafter, the sections 9 and 10 of the Regln that have to be applied -

In this case, the alienation of the land in question was certainly after 31st Jan 1853 & that therefore even assuming the G/R on the

Proportionate share of Madyaka (area) in Jodi Igguli Village Dist to Sri (1) Varadaraja Swami & Sons of Thayaru Nanjangud Tk

General and Revenue Secretariat

File No. of 193

Serial No.

of the temple to be an inam granted by Govt within the meaning of Sec 9 of the Regulation, summary resumption is not legally possible, since under the 2nd proviso to sec 10, the property in question has been admittedly in the adverse possession, the parties for 12 years before the passing of Regn VII of 1927, ie before 1st April 1927.

4) The only action possible is therefore to cancel the inam tenure & direct the assessment recovered to be handed over for the benefit of the temple - But whether this action is possible in the circumstances of this case is a matter to be considered further in the Hqrs Br.

42) Assessment notice with compts 10/5/35

GENL. & REV. SECRETARIAT 8 - MAY 1935

(43) Please note on all points raised including A. 10/5

44) The true facts of the case are clearly & elaborately set forth in the Mysore D.C's report No A. 1134/29 of 26-11-32 addressed to the Secy. to Govt. Public Works Department & the non-enfranchisement of S/2 Kathis has a peculiar meaning and significance

8/5/35

R.

NOTE—Contn. Sheet.

that since the privilege of enfranchise-
ment has not been Extended to the 8½ Villages
Govt are not bound to recognise the
alienation of the madhyakaland -
The Dir of Land Recors, survey and
Settlement who was Consulted &c.
to the matter has said that the land
might be resumed & handed over to the
Dastkars. As other Vrittidars, the Tasildar
then & share of
have every right for the Madhyakal land
to land Common & all the Vrittidars -
As the alienation has not taken place
prior to 31st Jan 1853, it is open to
the Mucy. authorities to get back the Temples'
Share of the Madhyakaland and restore
the Same for the benefit of the Dastkars
It is for orders if the Case may be posted
for a hearing & whether This may be
included in the list of cases posted -
for 10th Aug/1931 -

GS 29/7/31 — Li. The opinions of the D.F., Bryne (Hy R - furnished Li 11-8-31) Commissioner of L.R. & the Asstt Prosecutor are all in favour of the temple possession of the Madyakaland being resumed to Govt. The A.G. however has taken a different view in case. The opinion of the Asstt Director of Land Records vide paras 2 & 3 supra is also in favour

Civ Appeal preferred by one M. P. Subramaniam
Raj Kes - re: proportionate share of Madayalan Lands
in Jaffna Pagudi Village for the benefit of Sri Venugopala
Perumal & other Hindu Devotees

General and Revenue Secretariat — File No. — of 193 — [App. F. III—½

Serial No.

Parties present

of Plaintiff's Appeal. The Appellant
Law Advocate however differs. The
Learned Registrar states that the 6½ Months
up to are Vacation Days. In
these circumstances this seems a fit case for
being heard & disposed of. If agreed
the case will be posted for hearing to the
10th Aug 35 to which date two cases
have been posted. A detailed note
will be submitted as usual after the date
of hearing is fixed

GENERAL SECRETARIAT
27 JUL 1935
RECEIVED

OFFICE OF THE
SECOND MEMBER OF COUNCIL.
27 JULY 1935
No. 127

II Proctors)

46) Ltrs
26/7

47) Yes
Sd
27/7

48) Posted to Saturday The 10th Aug 1935.
G.S Time 2 P.M.

49) Adjourned to Friday the 16th Aug 1935.
Time 2 P.m. No fresh notices to the appellant
at the request of Counsel & Respts

50) Sd
10/8

NOTE—Contn Sheet

WD 01955—GPB—22,500—12-6-34

Mad appl no 1 of 34-35

Mad. File No. 317 of 1934 — General and Revenue Secretariat

51) The Case was called on Friday 16th Aug 1935. The Appellant with his Counsels Messrs K. T. Bhashyam Iyengar and M.O Somasekhara Rao was present and heard. Mr B.S. Puttaswami Advocate for the 8th Respondent was also present & heard. Orders reserved.

Order

52) The Mad Govt's order gives full reasons for the decision arrived at by him & Govt do not see any reason to modify or revise it. The appeal is dismissed.

9/1/36

9/1/36

9/1/36

9/1/36

9/1/36

Govt order —

No 992 of 21.1.36 to Messrs Somasekhara Rao & K.T. Bhashyam Iyengar Advocates for the Appellant forwarding Copy of order in the appeal case for information.

No 993 of 21.1.36 to Mr B.S. Puttaswami Advocate for the first respondent forwarding

Copy of the order in the appeal case for information

No 994 of 31.1.36 to the Inspector Commissioner forwarding Copy of the order in the appeal case and returning the records received from him on the subject.

RS 26/1/36

File No. of 193 . Secretariat

GENL. & REV. SECRETT.
4 AUG 1934

Petition Fee

Mus 317-34 3.8.34.

TWO RUPEES

IN THE COURT OF THE
[illegible]

Mysore Appeal No. 1 of 34-35.

P. [illegible]
No.....

2/3/8

APPELLANT - [illegible] Shanbhogaru Hos[illegible], Mysore City, Police Office, Mysore, for himself and on behalf of the members of Hos[illegible] Vokkaligara Sangha, Hosahalli, Periyapatna Taluk.

--(Vs)--

RESPONDENTS - [illegible] Gowda, Tumbe[illegible], Periyapatna Taluk and two others.

UNDER SECTION 38(2) OF THE MYSORE RELIGIOUS AND CHARITABLE INSTITUTIONS AND ENDOWMENTS.

The appellant above named begs to prefer this appeal from the order of the Mysore Commissioner in Mysore in No. [illegible]/37 of 1933-34 dated 14 Oct 1933 for the following among other grounds -

1. The learned Mysore Commissioner erred in his view that the written statement to the petitions of Periyapatna Taluk only, [illegible] and Hosahalli Taluk only were not necessary [illegible]

3. The learned Mysore Commissioner ought to have held that even if it be assumed that the written statements were not necessary as there is no dispute being [illegible] and it is consequently open at any rate the Government had authority to take action as prayed by the petitioners to resume a portion of the lands in question proportionate to the written statements belonging to the Hosahalli people due to restore the balance of the lands and erred in holding that he had no authority to do

3. The learned Commissioner ought

A 1192 of 1934 Mad. MS.

OFFICE OF THE MUZRAI COMMISSIONER
No. H 17
21. AUG. 1934
IN MADRAS

have held that the provision of the Religious and Charitable Institutions' Regulation and the Inam Rules were wide enough to empower him to order resumption and restoration of the lands as aforesaid.

4. The previous decision of the Government referred to by the Muzrai Commissioner was in no sense res judicata and did not debar the Muzrai Commissioner and Government from taking action as they did or by the appellant.

5. The said decision was quite inapplicable as a precedent.

6. The learned Muzrai Commissioner erred in his view that there was no need for any action as the respondents only claimed occupancy rights and were prepared to pay the assessment on the lands in question, and that that was the only benefit which the trustees could normally expect.

7. The learned Muzrai Commissioner ought to have held that the grant of the lands in question, on darkhast was fraudulent, unauthorised and wrongful and could not affect the rights of the temples.

8. The learned Muzrai Commissioner erred in not finding that there was negligence or laches on the part of the trustees of the temples and that as a consequence the institutions can get no relief.

9. The decision of the Muzrai Commissioner is opposed to law, facts and equities of the case.

It is therefore prayed that the order of the Muzrai Commissioner be set aside and orders be issued for the re-umption of a portion of the Inamyal lands proportionate to the shrotris belonging to the temples of Venugopalaswamy, Varadarajaswamy and Chennakesavaswamy.

Bangalore city,
6 and Aug 1934

M Somasekhara Rao
COUNSEL FOR APPELLANT.

In the Court of Before the Govt. of Mysore

Mug. Appeal **NO.** **OF 193 4 – 193 5.**

Appellant ~~Plaintiff~~.		*Respondent Defendant.*
Mr. M. P. Subramanyaraje Urs	**Vs.**	T. S. Mardappa & another

1. I, the appellant above named do, by these presents, retain Mr. M. P. SOMASE ... V. N. Krishnaswamy Advocates, ADVOCATE, BANGALORE CITY to appear and conduct the above case on my behalf to judgment.

2. I further empower him to do all necessary acts in the above case, to execute any decree or order that may be passed in my behalf, and to receive from the Court all documents, refunds and all sums of money that I may be entitled to get and grant receipts therefor.

3. I also undertake to confirm and ratify all the acts done by the said Advocate or by any other Advocate on his behalf in so doing.

M. P. Subramanyaraje Urs.

BANGALORE CITY,

.....193 .

Personally known to me and signed in my presence.—ACCEPTED.

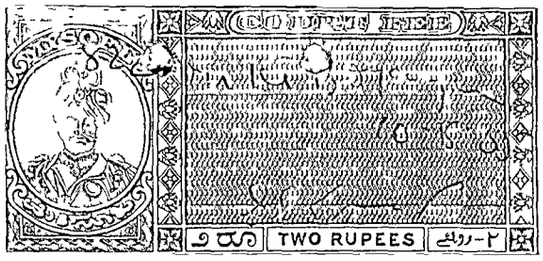
M. P. Somasekhara Rao

M. P. Subramanyaraje Urs

V. N. Krishnaswamy
Advocate.

Advocate for Appellant

RAM MOHAN PRESS BALEPET BANGALORE CITY



Before the Government of H.H. The Maharaja

In the High Court of Mysore

BANGALORE.

Misc. No. 1 OF 1934-1935.

Sri M. P. Subramanyaraja	Vs.	Sri Nabaraja & Others

Messrs. K T. BHASHYAM IYENGAR, B.A , B.L., ~~& M. SESHADRI, B.A., B.L.~~,
Advocates

..... The appellants the..... abovenamed do hereby nominate and appoint the said advocates in the above case and do hereby empower the said advocates to appear for and on .....behalf in the above case, to take all steps which may be necessary on.....behalf arising out of or in connection with the above case either during progress or after its decision to sign and subscribe their names to any document which they may deem proper to execute any decree that may be passed in .....favour and to receive out of the Court any refund of money wich may be lodged or become payable or receivable on .....behalf and on receipt thereof to grant receipts or other sufficient discharges for the same, to withdraw, compromise or refer to arbitration the said case to appoint one or more substitute or substitutes and to act and perform all other matters and things relating thereto or connected therewith, to represent .....in matters relating to the same and to act as fully and effectually to all intents and purposes as ....I.. might do if personally present and did the same. And—I—do hereby agree to pay all fees. costs, charges and expenses which may be incurred and to allow, ratify, and to confirm whatsoever the said Advocates shall lawfully do or cause or procure to be done by virtue of these presents.

M. P. Subramanyaraja & Bros.

Accepted

Signed before me by the executant who is known to me

K. T. Bhashyam Iyengar & Co.

Advocate

Advocates for

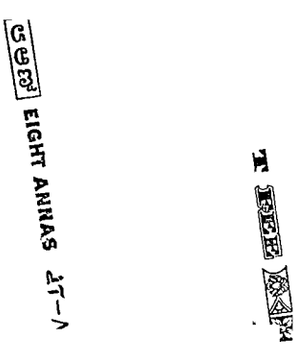
Yajaman & Son, Bangalore City

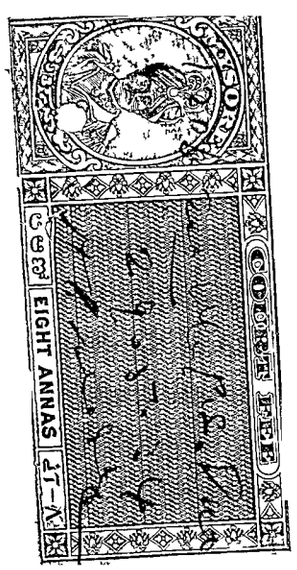
The Court of the Inamdar Commissioner
in Mysore, Bangalore

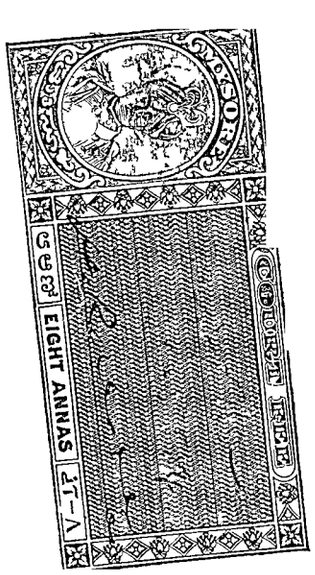
No P.C. 574/29-30.

petitioner:-
Mr. M. P. Subbahmanya-
raja urs, Huzur Kamdar,
Mysore

opponents:-
Mr. T. S. Madappa,
Sowcar, Tummerla,
Nanjangud Taluk
and two others.







Subject

Restitution of the proportionate share of 'Madhyama' land in Jodi Iggali village to the Sri Venugopalaswamy and two other temples at Thayur and Bilaguli villages, Nanjangud Taluk.

Facts of the Case

The temples of Sri Varadarajaswamy and Sri Thrineswaraswamy in Thayur village and that of Sri Venugopalaswamy in Bilaguli village, Nanjangud Taluk are endowed with 8 1/2 vrittis out of 30 in Jodi Iggali village in the same taluk. The previous facts of the case are set forth in full detail in the order passed by Government in Inam Appeal No 7 of 1915-16.

2. The present Contention of the petitioner pertains to the claim of the temples for proportionate share in the best portion of the Madhyakka lands which were purchased by the opponent from Mr. T. K. Subba Rao for a consideration of Rs 13000/- which the opponent refuses to surrender.

3. The Deputy Commissioner, Mysore District from whom a report on the petition of Mr. M. P. Subrahmanyaraja Urs was called for, states that as the privilege of enfranchisement has not been extended to the 8 1/2 Villages, Government are not bound to recognise their alienation, that the Inamdar's Statement was superceded by the Quit-rent Register and the Inam Register, that according to these documents all the 8 1/2 Villages must be treated on the same footing and must be considered as Devadaya inams and that a recommendation

may be made to Government for reconsidering the orders of 1917. The Survey Superintendent who was Consulted states that as per Inam godi Accounts of 1826 which were adopted for purposes of Inam Settlement, the temple of Sri Venugopalaswamy held 6 1/2 Vrittis and that the quit rent was therefore not imposed by the Inam Superintendent.

4. The case came on for final hearing on 3-4-1934. The petitioner Mr. M. P. Subrahmanyaraja urs by Counsel Mr. M. P. Somasekhara Rao and the opponent Mr. T. S. Madappa by Counsel Mr. B. S. Puttaswamy, Advocates, were heard.

Order R/s 203/33-34 Bangalore Dated 20-4-1934
3-5-34

The three Muzrai institutions in question own 8 1/2 vrittis out of an aggregate of 30 vrittis comprised in the village. A claim is made on their behalf for the restitution of their proportionate share of the 'Madhyalla' land. This land was

which fell into disuse when the Hulkalli Channel was extended to the village. In 1893 the then mortagagee of the village Mr. T. Krishna Rao gave the land for Cultivation on 'permanent Kandayam' to his Son Mr. T.K. Subba Rao, without the Consent of all the vrithidars. But some of the latter Subsequently acquiesced in the transaction and made over their right, title and interest in the land to Mr. T.K. Subba Rao for a Consideration of Rs 700/-

During the Survey Settlement of the village which took place in 1899 the land was fdivided into four Survey Nos, of which the total extent is 18 acres and 19 guntas Comprising 37 guntas of Phat-Kharab, 4 acres and 3 guntas of dry land and 13 acres and 19 guntas of wet land.

Mr T.K. Subba Rao Sold the dry portion to the petitioner Mr. Subrahmanyaraja urs in 1920

for Rs 500/- and the wet portion (excluding 15 guntas of land which was in the possession of one Kenche Gowda) to Sowcar Siddappa (opponent) for Rs 1300/-

The petitioner Mr. Subrahmanya raja Urs is willing to restore to the temples their proportionate share of the dry land in his possession. on the other hand the opponent and Kenche Gowda object to making any such restitution out of their wet lands. And the question is whether Inamdar officers can interfere and Compel the unwilling parties to restore to the temples the share of the lands claimed on their behalf.

In the case of 6½ Vrittis belonging to Sri Venugopalaswamy temple, Government held in 1917 that they were not devadaya Vrittis endowed to the temple by Government, and that their alienation could not be set aside by Inamdar officers purporting to act either under the Inamdar Regulation or even

is now Contended on behalf of the petitioner that in Coming to this decision Government had overlooked the fact that the 6 1/2 temple Vrittis in question were (unlike the purely personal Vrittis) not enfranchised and that this distinction was deliberately made in order to emphasise the devadaya Character of the former. But I do not Consider this argument to be sufficiently Strong or Convincing to justify my moving Government to revise an order passed 17 years ago (and re-affirmed Subsequently) after a full Consideration of all the facts. Nor am I impressed with the force of the Contention that the 2 Vrittis endowed to Sri Varadarajaswamy temple and Sri Thrineswaraswamy temple which are recorded as ಶ್ರೋತ್ರಿಯ should necessarily be treated as devadaya for that reason.

It has to be observed that neither S'owrea Madappa nor Kenche Gowda Claimed anything more than occupancy

in the lands respectively held by them. They pay full assessment on the lands and this is all the benefit that a Vrittida of an insane village can normally expect when Survey Settlement is introduced in the village. It is true that if the managers of the temples had been vigilant, they might have got (as did some of the other Vrittidars) some premium for these institutions from Mr. T. K. Subba Rao for acquiescing in the grant of permanent occupancy rights to the latter but it is not possible to repair the results of their neglect after the lapse of 40 years.

I do not therefore think that any further action is possible or called for in this case. The records will be returned to the Deputy Commissioner with the above observations.

Sd/ V. Madhava Rau
Inspl Commissioner

Copy applied for (see pt. by H. D. Gowda Rekhavara Rao & a.

Copy supplied on 29-5-34
Copy delivered

1-6-6

Copied by HRama Rao
Compared by S Jayaramudu

"Copy"

Manager

Area: Comm's Office

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Files

Bangalore, 13th October ..... *...193* 4.

17

N. MADHAVA RAU, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

GENL & REV SECTARIAT
452
19 OCT 1934
BRANCH

17.10.34

R. Ranga Rao, Esq., P.A., B.L., Muz 317-34-3
Chief *Secretary to the Government of His Highness*
the Maharaja of Mysore,

.Bangalore.

Appeal of Mr. M. P. Subramanyaraja Urs - Vritti lands belonging to the temples at Bilaguli and Thayur, Nanjangud Taluk.

With reference to your Memo No.211/Muz. dated 20-8-1934, lling for the records on the above subject, I have the honor forward herewith the entire records received with the Myso ty Commissioner's letter No.H.213/34 dated 4-10-1934 (cop osed) together with this office file No.R.Dis.203/33-34 ated 3-5-1934 and to state that the facts of the case are ex lained in this office order dated 3rd May 1934.

Comp

Cop
Copy

I have the honor to be

Sir,

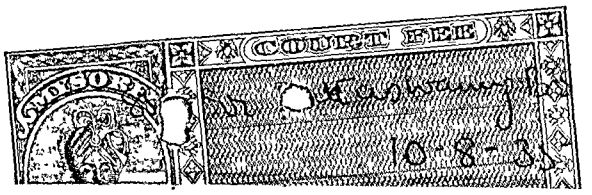
Your most obedient se

[illegible]

for Muzrai Commissioner.

(absent from Hd

mch.



Letter No.H.213/34 dated 4-10-34 from the Deputy Commissioner, Mysore District, to the Muzrai Commissioner in Mysore.

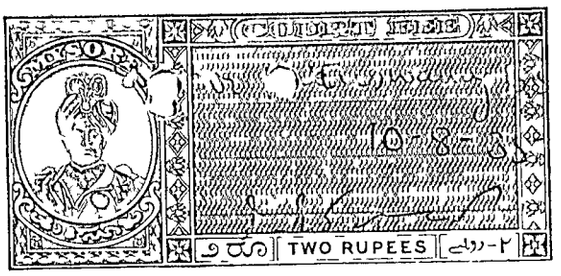
Appeal of Mr. M P. Subramanyaraj Urs - re. vrithi lands belongi to temples at Pilaguli and Thayur.

With reference to your Official Memorandum No.H.C.17 of 34-35 dated 27/28th August 1934 on the above subject, I have the honor to submit herewith the file of connected records ard to state that the facts of the case are explained in your order No.P.C.574 of 29-30 dated 3rd May 1934.

2. The petition received with your Memorandum is retransmitted herewith.

"COPY"

For Muzrai Commissioner.



ಕೋರ್ಟಿಗೆ.

19 34—19 35 ನೇ ನಂಬರು

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್

ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್

Vs.

ಮಾ॥ ರಾ॥ ಗೆ

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಜ್ಞೈರುವರುವಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು-ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಖುದ್ದು ಯಾ ತಮಗೋಸ್ಕರ ನುತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ದನಾಗಿ ಇದೇನೆ.

ತಾ॥ 19/7/ 193

ರುಜು

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರಾಗಿ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇಧೇನೆ.

ಸಿಕ್ಕುವ ಸ್ಥಳ—ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ " ವಿದ್ಯಾವಿಲಾಸ ಬುಕ್ ಡಿಪೊ "

ದೇವಿ ಸವರ್ ಪ್ರೆಸ್ ಸುಲ್ತಾನ್‌ಪೇಟೆ ಬೆಂಗಳೂರು ಸಿಟಿ

Register Sheet No: 76.

Taluk --- Talkad. now Nanjangood.

Sammat -- Tagur.

Village -- Iggadi Jodi

Copy No Register of Inams in the village of Fodi Iggali

CLASS, EXTENT AND VALUE OF IN

Number of case or entire holding under one grant in this village	General class to which the Inam belongs	Survey No. and name of field or fields comprised in the grant Dry, wet or garden	Extent	
			Local measure. Even where the local measure is in acres, guntas, and annas, it is to be entered in this column	Measure in acres and their fractions in decimals
1	2	3	4	5
1	personal	—	No Pymaish is available.	—

Sammat of Tayuru in the Taluk of Talkad now Nanjangud

		DESCRIPTION, TENURE AND	
Old assessment	Survey assessment	Description of Inam If for service, it is to be stated whether the service is continued. If for tanks, buildings, etc., whether they are efficiently kept up Hereditary or for life	Whether free of tax, etc., or liable to quit-rent, *i. e.*, jodi, etc., amount of latter to be entered
Where no survey has been made and no assessment fixed by Government, the cess paid by the raiyats to the Inamdar, or the average assessment of similar Government land, should be entered in column 7			
6	7	8	9
		For personal benefit	Jodi pags: 178-0-13 = RS: 520-15-0.

Being for per Pot

P. F. V. = Rs: a: p.
178-0-13. = 520-15-0.
Add 10 percent as per Pot: 19. = 52-1-6.
573-0-6.

By whom granted and in what year	Written instruments in support of the claim, original sannad, all miscellaneous documents, and other proofs of long possession. In this column it should be stated whether the Inam is held with or without grant, whether the grant is produced or lost, etc., and the general specification of terms of all documents produced should be given.
10	11

of Mysore

NAME AND RELATIONSHIP OF ORIGINAL GRANTEE AND

Name of original grantee	Name entered in the register prepared by Poorniah up to 1810	Name entered in the accounts subsequent to 1810
12	13	14
		Huzoor Jodi account 1826.
		Aggali Agrahara
		Arali - - - 1.
		Dakhalia - - 3
		Small Tank - - 1
		Kattas - - - 6.
		P. F. V.
		Berij. - - - - - - 179-2-13.
		P. F. V
		Kadeem. 139-0-10.
		Jastii 40-2-3.
		Deduct Toti Inam. 1-2-0
		Net Berij 178-0-13.
		Jodi 178-0-13.
		As per Takeed or prabhava. P. F. V. 169-9-11.
		Jastii from Vibhava te prajotpatti. 8-1-2.
		178-0-13.
		Ayen Berij 162-8-13.
		Bajebob. 15-2-0.
		Sayer 11-9-8.
		Kabsool 15-3-0-8.
		Bhobi 0-2-0.
		178-0-13.
※ ※ Continuation of Lod: 14.		Vritties 30. Issams 13.
4. Thoombiah.	Vr: 2.	Vr.
5. Lingambhatta	3½	1. Venkatapatti Bhatta. 3½
6. Goodi Samiah.	1.	2. Mylara Bhatta. 2
7. -do- Rangiah.	1.	3. Varadambhatta. 1½
8. Subbashastry	2.	(※ ※ Vide under Lods: 12 & 13)
9. Vengopalaswamy Temple belonging to Belagelli Basavarajiah	6½	
10. Belagelli Krishnaiah.	3½	
11. Abbajiah	2	
12. Lakshmiah.	½	
13. Narayana Jois	1.	
	30.	
Huttuvali of Inamatti: P. F. 188-3.		

Particulars regarding present owner. If the inam has been subdivided, the name, etc., of each sharer should be entered in the columns

Residence, name and age, etc.	Relation to original grantee or subsequent registered holders	Surviving heirs of the present incumbent	If unconnected with the original holders, possession how obtained, and in what year
15	16	17	18
Thayuru.			
1. Varadaraj Swami 1 Vr:	Same as No: 7.	--	In the account poojari name is entered.
2. Trineswara Swami 1 Vr:	Same as No: 6.	--	—Do—
Belagoli			
3. Vengopala Swami 6½ Vr:	Same as No: 9.	--	
4. Mylaradatta. 28. 2 Vr:	Grandson of No: 2.	-	Inherited.
5. Venkata Lakshamma	widowed daughter	--	—Do—
6. Lingaiahetta. 23. 40.	daughter in law of Vr: No: 5. Grandson of Vr: No: 5.	--	
3½ Vr:			
Gommettoor Agrahara Chiannarayanapura Taluk.			
Rangiahetta. 63. 3½ Vr:	Nephew of Vr: No: 1.	1 Daughter	—Do—
Tayuru.			
Suryanarayana Jois alias Appanna Jois. 70 2½ Vr:	Son of Vr: with No: 1½ Vr: related as in No: 14.	2 Sons.	—Do—

Continuation of columns 15, 16, 17 and 18.

15		16	17	18
Suryanarayana Jois ½ Vr.	32	Alienee		By purchase from Venkatarama [illegible] grant dt. [illegible] 12. for Rs. 75/= as per stamped deed dated 6th December 1873. produced & admitted.
Belagola.				
Pattabhi Ramu [illegible]	57	[illegible] V [illegible]	15 [illegible]	
Seethara[illegible]	14	[illegible]		
Ramachandraiah.	22	— Do —		Inherited.
Ramannah.	6	— Do —		
3½ Vr. undivided.				
Gommateer Agrahar Chamarajnagar Taluk				
Chidambara bhatta	22.	Great grandson of the alienee		
Giriammah.	40	Widow of the Son of the alienee		
Sreekanthabhatta.	30.	Great g[illegible]		
Parmeswara bhatta	52	— do —		
Ananta bhatta.	40	— do —		
undivided				

Vaggambudhi Son of [illegible] 15. Land Sold to the [illegible]

Continuation of columns 15, 16, 17 and 18.

15		16	17	18
Jayuru				
19. Venkatasubba Shastry	20.	Great grandson of Vr: No: 8.	-	Inherited.
20. Subbashastry	32	Grandson	-	
21 Venkataram Shastry	26	— Do. —	1 Son	
22. Subramhanyashastry	22	Son	-	
23 Sivaramiah	10	Great grand.	-	
2 Vr:		son.		
24. Varadambhatta	50.	Grandson of	1 Son.	— Do. —
3/4 Vr:		Vr: No. 3		
25 Sivarambhatta.	22	Great grand-	-	
3/4 Vr:		Son.		
or 1 1/2 Vr:				
Poonigala Malavalli Taluk.				
26. Deviah	22	Descent of Vr:	-	— Do. —
2 Vr:		No: 11.		
30 Vr:				

Division

LENGTH OF POSSESSION

Abstract of the orders already issued by the Commissioner or the Superintendent of the Division on lapses regarding validity or excess of the Inam. Assistant's opinion and recommendation		Review by the Special Assistant and confirmation by the Inam Commissioner
19	and	20

1. Whole grant personal, Jari. Valid.

2. No Sannads produced.

3. The Beriy and Jodi being Canal, under P-rules No: 24. an addition of 10 per-cent has been added.

4. To be confirmed as per below particulars.

	Rs: as: ps.
Beriy	520-15-0.
Add 10 per-cent	52-1-6.
Total Beriy	573-0-6.
Deduct- Jodi	520-15-0.
Net	52-1-6.
1/8 Quit-rent.	6-8-2.

Total combined quit-rent 527-7-2 or Rs: 527/= ad-interim agreed to.

5. Sayer, Sendi are enjoyed and Forests including Sandal not, withheld reserved.

6. A Copy of Notification No: 292 has been given.

7. A Valuation Survey is desired.

8. The Title-Deed is to be delivered to party No: 8 in Col: 15. Suryanarayanaraju

(Sd) B. Rajagopalaiah

28.6.79. Assistant.

1. Confirmed as above

2. The item of Toddy is allowed as far as the leasing of the trees to the Government contractor

3. Call on Amil to report how the item of Sayer is now enjoyed and to show

GPB—1,000 books of 2 sheets each—9-8-06.

P.T.O.

4th August 1880. } Superintendent of Inam Settlt.

4. Revised as per the Govt: pro: No: 14223-5/P.F. 100-93. dated 17th February 1894

5. Vide the detailed Survey Statement received with the Survey Superintendts Yadi No: 280 Dated 22-7-901.

	A. G.	Rs: as: Ps.
Total area and assessment.	1198-34.	1772-6-0.
Deduct for a minor Inam.	31-22.	33-0-0.
Balance.	1167-12.	1739-6-0.

Particulars

Unarable	143-19.	2-0-0.
Dry		
Cultivated.	798-15.	691-8-0.
Cultivable (waste)	13-29.	2-8-0. ¼ assd
Wet		
Cultivated.	208-33.	1039-12-0.
Cultivable (waste)	0-12.	0-6-0 — Do —
Garden cultivated —	2-24.	3-4-0.
Total	1167-12.	1739-6-0.

Former Jodi . . . . 520-15-0.

⅛ Assessment on the difference of Rs: 1218-7-0 = 152-4-10.

673-3-10. or —

avoiding fraction Rs: 673/=

6. Finally confirmed accordingly

(Sd) F. P. Grant.

By 21-2-1902. Superintendent of Inam settlement.

Compared
KBG
28/2/85.

"Copy"
9/8/85
For Director of Land Records
Survey & Settlement

Before His Highness
the Maharaja of Mysore.

Muzrai appeal No. 1 of 1934-1935.

Appellant.	Vs.	Respondents.
M.K.Subrahmanyaraj Urs.		(1) L.L.Gowda, Patel, Jodi Gurmenahalli, Nanjangud Taluk.
		(2) Kencho Gowda, son of Chikkahasaya Gowda, Jodi Gurmenahalli of the Taluk aforesaid.
		(3) Kudaparai Gowda of Igali village.

Subject.-

Appeal against Muzrai Commissioner's Order No. L.Dis 203/33-34 dated 20th April 1934 regarding the restitution of the proportionate share of the Madhyaka land in Jodi Igali village to the temples of Sri Venugopalaswami at Biligali and Sri Varadaraja swami and Sri Srineswaraswami at Chayur, Nanjangud Taluk.

The case was called on Friday the 16th August 1935. The appellant with his Counsels Messrs C.S.Bhashyam Iyengar, B.A., B.L., and C.S.Chandrasekhara Aiya, B.A., B.L., was present was heard. Mr. B.S.Muttaswamy, B.A., B.L., Advocate for the first respondent, was also present, was heard.

Order.

The Muzrai Commissioner's order gives full reasons for the decision arrived at by him. Government do not see any reason to modify or revise it. The appeal is dismissed.

Memo No. Dated Bangalore

Rao BA LLB and

Iyengar BA BL Advocate for the app

For information

By order

For General Secretary

No 793/Mis 3/17-34-4 Dt 21-1-35.

Copy to Mr B. S. Bhima Iyengar BA BL Advocate

[illegible] for the first respondent for information

By order

For General Secretary

No 994/Mis Land Records Dt 21-1-35.

Copy of the above is forwarded with compliments

to the Mysore Commissioner returning

records received vide his letter no H. C. 17

34-35

Dt 17. 10. 34.

By order

For General Secretary

Muz. 21]

Before the Government of His Highness the Maharaja of Mysore.

Muz Appeal No. of 1934-35

Appellant.

M. P Subramanyaraj Urs

Vs.

Respondents

(1) T. S. Madappa Sowcar
Tumnearle - Nanjangud
Tk.

(2) Kempe Gowda, Sindhu
Chief basavappa Joshi
Agraharadalli of the Tk.
& (3) Kadalarasi Gowda Deshpandi
Hereditary Officer

Order No. R. Dis. 203 dated 20.4.34 Subject.
T83-34

Appeal against the order of the M.C. restricting the proportionate share of the Madhyatha land in Joshi Deggali Village to the temples of Sri Venugopalaswami at Bidagali & Sri Venkatarajaswami Sri Trineswaraswami at Thagur - Nanjangud Tk.

The case was called on Friday the 16th Aug 1935. The appellant with his Counsels Messrs K. T. Bhashyam Iyengar BA BL & M. P. Somasekharaiah BA LLB. was present & arguments heard. Mr. B. S. Puttaswami BA, BL, Advocate for the first respondent was also present & was heard.

Order -

The M.C's order gives full reasons for the decision arrived at by him and we do not see any reason to modify or revise it. The appeal is dismissed

WD0580—GPB—250—10-8-22

the applicant for
for information.

B. O

L 1071

No 993/ [illegible] Forgen see dy 21-1-36

Copy of the above forwarded to the B.S. Police
Mysore
Bar Bd. - Advocate for the first respondent.
information.

B. O

L 1071

Record No. 994/1935 Encl Records Forgen see dy 29-1-36

The D.C. returning records received with
his letter No. H.C 47/34-35 dy 17.10.34.

B. O

Forgen see

GS
1071